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## Prologue, Inc.

1135 North Cleaver Street  
Chicago, Illinois 60642

December 14, 2012

Federal Communications Commission  
Marlene H. Dortch, Secretary  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: **CC Docket No. 02-6**

Petition for Waiver of FCC Form 486 filing deadline for 471 Application: # 819328

**APPLICANT:** Prologue – CPS, Billed Entity #16063938

Dear Secretary Dortch,

Prologue – CPS would like to formally request a waiver requests a waiver of the FCC Form 486 filing deadline in the case of Funding Request Numbers 2229293, 2229201, and 2229240 on 471 application #819328.

### **I. Background Information**

Prologue-CPS, a contract school under Chicago Public Schools, targets low-income youth “typically 16 to 24 years old” who have dropped out of or did not complete high school. Many must overcome a year or more away from school, contact with the criminal justice system, gang affiliation, becoming parents too soon, very low reading and math skills, and/or failure at other alternative schools.

USAC issued the Funding Commitment Decision Letter for funding requests on this funding application on 11/08/2011 and we subsequently learned prior to the 486 filing deadline that Chicago Public Schools (CPS) may had filed for funding for this site under a different entity name/number. This led to some confusion on when we needed to submit the Form 486, and as a result we were late in submitting FCC Form 486 for the funding requests associated with 471 application #819328. It was determined that CPS mistakenly included Prologue-CPS its FY2012-13 E-Rate applications. This mistake was corrected on August 10<sup>th</sup> 2012 during the RAL process as indicated in the attached letter and subsequently communicated to Prologue-CPS.

If SLD’s procedures for missing a Form 486 filing deadline were to be strictly applied, the result of this clerical error would be a total loss of committed funding for the affected Funding Requests – and it would be our students who would bear the consequences of this unfortunate clerical error.

Prologue's management does exercise its best efforts to ensure absolute compliance with all E-Rate rules and deadlines. Realistically, however, it is beyond the control of Prologue to totally eliminate the possibility of the isolated clerical or administrative error.

## **II. Analysis of the Situation**

Hence, due to factors not reasonably within its control, Prologue-CPS was unable to fully comply with the requirement to file Form 486 by the normal 120 day limit after the latter of the service start date and the Funding Commitment Decision Letter date for funding 471 application #819328. To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In Alaska Gateway (1), the Federal Communication Commission's ("Commission") Wireline Competition Bureau ("Bureau") found that where special circumstances are present and a Form 486 was not filed on a timely basis, good cause exists to grant a waiver of the filing deadline and direct USAC to process the applicant's Form 472 reimbursement application without a postponement of the funding start date. The Bureau noted that in these cases the applicants missed a procedural deadline and did not violate a substantive rule. The Bureau has consistently applied the Alaska Gateway standard in subsequent orders granting waivers of the Form 486 filing deadline, including State of Arkansas Department of Information Systems (2), Alcona County Library (3), Children of Peace School (4), and Archdiocese of Chicago School (5).

The cited orders were consistent with Bishop Perry (6), where the Commission found that under certain circumstances, rigid adherence to certain E-rate rules and requirements that are "procedural" in nature does not promote the goals of section 254 of the Telecommunications Act of 1996 – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore does not serve the public interest.

Denying the Prologue-CPS request, as noted in previous rulings, would create undue hardship and prevent the school from receiving funding that is needed to bring advanced telecommunications and information services to their students in this community. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

### **Notes**

- (1) Alaska Gateway School District et al, 21 FCC Rcd 10182 (DA 06-1871)
- (2) State of Arkansas Department of Information Systems et al, 23 FCC Rcd 9373 (DA 08-1418)
- (3) Alcona County Library et al, 23 FCC Rcd 15500 (DA 08-2379)

- (4) Children of Peace School et al, 25 FCC Rcd 5492 (DA 10-885)
- (5) Archdiocese of Chicago School (DA 12-28)
- (6) Bishop Perry Middle School et al, 21 FCC Rcd 5316 (FCC 06-54)

### III. Request for Waiver

Prologue-CPS, therefore, respectfully requests that the Bureau grant a waiver of the FCC Form 486 filing deadline for the cited E-rate funding application for the reasons detailed above as consistent with previous rulings.

In support of our efforts to provide our students and community with access to a 21<sup>st</sup> Century Learning Environment and consistent with the goals of the E-Rate Program, Prologue-CPS also respectfully requests that the Bureau expedite consideration of this petition.

Please contact me directly should you have any questions on this matter.

Sincerely,



Sherri Hal-Rembert  
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